

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 CLAUDE MILLER,
5 Plaintiff,

No. C 09-04232 SBA (PR)

6 v.
7 MIKE POULOS, Warden,
8 Defendant.

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10 Plaintiff, a state prisoner, has filed a pro se civil rights action pursuant to 42 U.S.C. § 1983.
11 He has been granted in forma pauperis status.

12 When jurisdiction is not founded solely on diversity, venue is proper in the district in which
13 (1) any defendant resides, if all of the defendants reside in the same State, (2) the district in which a
14 substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of
15 property that is the subject of the action is situated, or (3) a judicial district in which any defendant
16 may be found, if there is no district in which the action may otherwise be brought. See 28 U.S.C.
17 § 1391(b).

18 The acts complained of occurred at the California Institution for Men, which is located in the
19 Eastern Division of the Central District of California, and it appears that the Defendants reside in
20 that district. Venue, therefore, properly lies in that district and not in this one. See id.

21 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is
22 TRANSFERRED to the Eastern Division of the United States District Court for the Central District
23 of California. The Clerk of the Court shall transfer the case forthwith.

24 IT IS SO ORDERED.

25 DATED: 3/15/10


26 SAUNDRA BROWN ARMSTRONG
27 United States District Judge
28

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 IN RE: CLAUDE MILLER,

5 Plaintiff,

6 v.

7 IN RE: CLAUDE MILLER et al,

8 Defendant.

Case Number: CV09-04232 SBA

CERTIFICATE OF SERVICE

9
10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

11 That on March 18, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
13 located in the Clerk's office.

14
15 Claude Miller K83748
16 California Institute for Men State Prison
P.O. Box 600
17 Chino, CA 91708

18 Dated: March 18, 2010

Richard W. Wiekking, Clerk
By: LISA R CLARK, Deputy Clerk